

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

REGINALD CULVER, et al.,

Plaintiffs,

v.

CIV. No. 15-669 MCA/SCY

LITHIA MOTORS, INC., *et al.*,

Defendants.

**ORDER SETTING CASE MANAGEMENT DEADLINES AND DISCOVERY
PARAMETERS**

THIS MATTER came before the Court on a Rule 16 scheduling conference held on October 8, 2015. Following the Rule 16 scheduling conference, the Court entered an Order allowing limited discovery. (ECF No. 22). The Court held a status conference on December 17, 2015, to discuss entering scheduling deadlines. Following a review of the attorneys' Joint Status Report and Provisional Discovery Plan, and after conferring with counsel, the Court will permit the following discovery:

- a) Maximum of twenty-five (25) Interrogatories per party;
- b) Maximum of twenty-five (25) Requests for Production per party;
- c) Maximum of fifty (50) Requests for Admission per party;
- d) Maximum of five (5) depositions by Plaintiffs and ten (10) depositions by Defendants; and
- e) Depositions of all witnesses except parties, experts, and Kenneth Joseph are limited to four (4) hours. Depositions of parties, experts, and Kenneth Joseph are limited to seven (7) hours.

Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline.

The Court has set the following management deadlines:

- | | | |
|----|---|-------------------|
| a) | Deadline for Plaintiff to move to amend pleadings/
add additional parties ¹ : | January 22, 2016 |
| b) | Deadline for Defendants to move to amend pleadings/
add additional parties ¹ : | February 22, 2016 |
| c) | Plaintiff's Rule 26(a)(2) expert disclosure ² : | April 18, 2016 |
| d) | Defendants' Rule 26(a)(2) expert disclosure ² : | May 18, 2016 |
| e) | Termination date for discovery: | June 17, 2016 |
| f) | Motions relating to discovery to be filed by: | July 7, 2016 |
| g) | Pretrial motions other than discovery motions (including
motions which may require a <i>Daubert</i> hearing) filed by: | July 18, 2016 |
| h) | Pretrial Order: Plaintiff to Defendants by: | October 3, 2016 |
| | Defendants to Court by: | October 17, 2016 |

Any extension of the case management deadlines must be approved by the Court. Any

¹Federal Rule of Civil Procedure 16 requires that the Court set a deadline for amendment of pleadings and joinder of parties. A party seeking to amend the pleadings after the above dates must both demonstrate good cause to amend the scheduling order as required by Federal Rule of Civil Procedure 16(b) and satisfy the requirements for amendment under Federal Rule of Civil Procedure 15(a). *See, e.g., Gorsuch Ltd., B.C. v. Wells Fargo Nat. Bank Ass'n*, 771 F.3d 1230, 1242 (10th Cir. 2014).

² Parties must disclose the names of all expert witnesses, including treating physicians, the subject matter on which the experts will present evidence, and a summary of the facts and opinions to which the experts are expected to testify by this date. Experts who are retained or specifically employed to provide expert testimony must also submit an expert report by this date. *See* Fed. R. Civ. P. 26(a)(2). The parties must have their retained expert(s) ready to be deposed at the time they identify them and provide their reports. Expert witnesses who are not required to provide a written report may be deposed before summary disclosure.

requests for additional discovery must be submitted to the Court by motion prior to the expiration of the discovery.

/s/ Steven C. Yarbrough

STEVEN C. YARBROUGH
United States Magistrate Judge